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2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4 WESTERN DIVISION

5 NADINE HAYS,)
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PLAINTIFF,)
VS.) CASE CV 12-10219-DMG(PJWX)
LOS ANGELES POLICE DEPARTMENT,)
ET AL.,) LOS ANGELES, CALIFORNIA
DEFENDANT.) JANUARY 23, 2015

TELEPHONIC HEARING
BEFORE THE HONORABLE PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE

APPEARANCES: SEE NEXT PAGE
COURT REPORTER: RECORDED; XTR
COURTROOM DEPUTY: JACOB YERKE
TRANSCRIBER: DOROTHY BABYKIN
COURTHOUSE SERVICES
1218 VALEBROOK PLACE
GLEN DORA, CALIFORNIA 91740
(626) 963-0566

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

1 APPEARANCES: (CONTINUED)
2 FOR THE PLAINTIFF:

NADINE HAYS
PRO SE

3 FOR ALL DEFENDANTS
4 EXCEPT ROBERT TAYLOR:

LOS ANGELES CITY ATTORNEY'S OFFICE
BY: ELIZABETH L. GREENWOOD
DEPUTY CITY ATTORNEY
CITY HALL EAST
200 NORTH MAIN STREET
6TH FLOOR
LOS ANGELES, CALIFORNIA 90012

7 FOR ROBERT TAYLOR:

GORDON & REES LLP
BY: LISA K. GARNER
ATTORNEY AT LAW
633 WEST FIFTH STREET
52ND FLOOR
LOS ANGELES, CALIFORNIA 90071

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I N D E X
CASE NO. CV 12-10219-DMG (PJWX) JANUARY 23, 2014
PROCEEDINGS: DEPOSITION DISPUTES

1 LOS ANGELES, CALIFORNIA; FRIDAY, JANUARY 23, 2015

2 THE CLERK: CALLING CV 12-10219, NADINE HAYS VERSUS
3 LOS ANGELES POLICE DEPARTMENT, ET AL.

4 COUNSEL, IF YOU'D PLEASE STATE YOUR APPEARANCES FOR
5 THE RECORD.

6 MS. HAYS: NADINE HAYS, PLAINTIFF.

7 MS. GARNER: LISA GARNER, COUNSEL FOR ROBERT
8 TAYLOR.

9 MS. GREENWOOD: ELIZABETH GREENWOOD, COUNSEL FOR
10 ALL OTHER DEFENDANTS.

11 THE COURT: GOOD AFTERNOON, COUNSEL.

12 GOOD AFTERNOON, MS. HAYS.

13 I UNDERSTAND THAT THERE'S BEEN SOME PROBLEMS WITH
14 THE DEPOSITION. SO, I THOUGHT I WOULD SEE IF I COULD RESOLVE
15 ANY OF THOSE PROBLEMS SO YOU COULD GO FORWARD.

16 LET ME HEAR FROM MS. HAYS FIRST.

17 MS. HAYS, YOU'RE COMPLAINING BECAUSE THEY'RE
18 OBJECTING TO QUESTIONS.

19 MS. HAYS: YES.

20 THE COURT: ALL RIGHT. I DON'T RULE ON THOSE
21 OBJECTIONS DURING THE DEPOSITION. YOU MAKE YOUR RECORD. YOU
22 ASK THE QUESTIONS. LET THEM MAKE THEIR OBJECTIONS.
23 GENERALLY SPEAKING, THE WITNESS ANSWERS THE QUESTION
24 FOLLOWING THE OBJECTION UNLESS IT'S BASED ON CERTAIN
25 PRIVILEGES.

1 BUT YOU JUST -- YOU GO FORWARD WITH YOUR
2 DEPOSITION, GET IT TRANSCRIBED. IF YOU WANT ME TO RULE ON
3 ANYTHING THEY'VE DONE AT THAT TIME, I WILL.

4 OKAY. MS. GARNER, ANY PROBLEMS THAT YOU'RE HAVING
5 WITH THE DEPOSITION?

6 MS. GARNER: NO, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 AND, MS. GREENWOOD, ANY PROBLEMS THAT YOU'RE
9 HAVING?

10 MS. GREENWOOD: NO, YOUR HONOR.

11 THERE WAS A QUESTION EARLY ON WHO OPERATED THE
12 EQUIPMENT, BUT THAT GOT RESOLVED.

13 THE COURT: I APPRECIATE YOUR RESOLVING THAT ISSUE.

14 OKAY.

15 MS. HAYS, DO YOU UNDERSTAND NOW WHAT'S GOING TO
16 HAPPEN. YOU'RE GOING TO CONTINUE TO ASK YOUR QUESTIONS.
17 THEY ARE ALLOWED TO INTERJECT OBJECTIONS AFTER YOUR QUESTION
18 BEFORE THE WITNESS ANSWERS THE QUESTION. GENERALLY SPEAKING,
19 THEN, THE WITNESS WILL ANSWER THE QUESTION.

20 IF THERE'S A PROBLEM, AND YOU FEEL THAT SOMETHING
21 IS NOT BEING HANDLED APPROPRIATELY, YOU CAN BRING AN
22 APPROPRIATE MOTION FOLLOWING THE DEPOSITION AND LODGE WITH
23 THE COURT CERTAIN PARTS OF THE TRANSCRIPT.

24 ALL RIGHT?

25 MS. HAYS: YES, YOUR HONOR. BUT THEIR -- I DON'T

1 KNOW WHETHER I AM DOING SOMETHING ACCORDING TO THE
2 TECHNICALITIES THAT ARE NOT CORRECT AND THEREBY NOT GETTING
3 ANY ANSWERS.

4 BUT JUST FOR AN EXAMPLE I ASKED COMMANDER FRANK IF
5 HE KNEW WHAT "OCCUPY L.A." WAS.

6 THE COURT: YES? GO AHEAD.

7 MS. HAYS: THE RESPONSES I GET FROM THE ATTORNEY --
8 WOULD YOU LIKE TO GIVE JUDGE WALSH A SAMPLE, MS.
9 GREENWOOD, OF WHAT YOUR OBJECTIONS WERE.

10 MS. GREENWOOD: YOUR HONOR, THAT WAS NOT THE
11 QUESTION SHE ASKED.

12 THE COURT: OKAY.

13 MS. GREENWOOD: THE ISSUE THAT SHE IS HAVING IS
14 THAT SHE STARTS EACH QUESTION WITH A PREAMBLE OR A SOLILOQUY
15 OR RATHER A LENGTHY STATEMENT OF FACTS THAT MAY OR MAY NOT BE
16 IN EVIDENCE AND IT MAY OR NOT MAY BE TRUE. SO, MANY OF THE
17 QUESTIONS ARE COMPOUND. THEY ARE -- HAVE FACTS THAT ARE NOT
18 IN EVIDENCE AND IN THEIR FORM ARE FOR THE MOST PART
19 UNANSWERABLE.

20 THE COURT: I UNDERSTAND.

21 MS. HAYS, THEY ARE ALLOWED TO RAISE THOSE
22 OBJECTIONS. THIS IS NOT YOUR CHANCE TO PONTIFICATE. THIS IS
23 YOUR CHANCE TO HAVE COMMANDER FRANK TESTIFY.

24 YOU CAN ASK COMMANDER FRANK:

25 COMMANDER FRANK, DO YOU KNOW WHAT "OCCUPY L.A." IS

1 OR WAS?

2 OKAY. THAT'S A PRETTY STRAIGHTFORWARD DIRECT
3 QUESTION, AND HE CAN GIVE YOU A DIRECT ANSWER.

4 IF YOU BEGIN YOUR QUESTION WITH WHAT YOUR
5 INTERPRETATION OF WHAT "OCCUPY L.A." WAS AND WHAT HAPPENED
6 AND WHEN AND WHERE, YOU ARE GOING TO DRAW OBJECTIONS BECAUSE
7 THEY DO NOT AGREE WITH YOUR CHARACTERIZATION OF MANY OF THESE
8 FACTS.

9 DO YOU UNDERSTAND?

10 MS. HAYS: YES, YOUR HONOR. BUT WHEN I ASK A
11 QUESTION -- AND THANK YOU FOR CLARIFYING THAT FOR ME, BUT
12 BECAUSE WE ARE COVERING A PERIOD OF TIME I DON'T GIVE A LONG
13 DISSERTATION FOR EVERY QUESTION, BUT IF, LIKE, I HAVE TO LET
14 THEM KNOW WHAT INCIDENT WE ARE IN BECAUSE THESE QUESTIONS I
15 AM ABOUT TO ASK ALL RELATED TO THIS TIME PERIOD.

16 AT THIS TIME I DON'T KNOW HOW MUCH OF WHAT
17 COMMANDER FRANK'S OFFICERS TELL -- HOW MUCH HE WAS EVEN
18 INVOLVED IN. HE SAYS, I HAVE NOTHING -- NO KNOWLEDGE
19 WHATSOEVER OF THAT INCIDENT HAPPENING. WE'RE DONE WITH IT.

20 ALL I NEED IS FOR HIM TO TESTIFY THAT HE HAS
21 NOTHING, NO KNOWLEDGE WHATSOEVER OF THAT EVEN HAPPENING.

22 THE COURT: ALL RIGHT. I WANT TO TELL YOU IT IS
23 OKAY TO DIRECT THE WITNESS TO THE PARTICULAR INCIDENT AND
24 TELL HIM THIS IS -- THIS OCCURRED ON SUCH AND SUCH DATE IN
25 LOS ANGELES AT CITY HALL AND THEN ASK HIM, WERE YOU INVOLVED

1 IN MY ARREST. DID YOU HEAR ABOUT MY ARREST? DID YOU EVER
2 TALK TO ANYBODY ABOUT MY ARREST.

3 THOSE THINGS ARE ALL OKAY. SO, YOU CAN DIRECT HIM
4 AT THE TIME, BUT DON'T GO ON WITH LENGTHY DIATRIBES ABOUT
5 WHAT YOU THINK HAPPENED. JUST ASK HIM.

6 AND I DO THINK IF YOU ASK THOSE QUESTIONS,
7 COMMANDER FRANK, WERE YOU THERE ON THAT DATE? DO YOU
8 REMEMBER ANYTHING FROM THAT DATE? DID YOU TAKE PART IN MY
9 ARREST? DID YOU APPROVE MY ARREST? DO YOU KNOW THESE
10 OFFICERS? DID THEY WORK FOR YOU? WERE THEY WORKING FOR YOU
11 AT THE TIME I WAS ARRESTED? I WAS ARRESTED AT 12:00 P.M., OR
12 WHATEVER.

13 DO YOU UNDERSTAND?

14 MS. HAYS: YES, YOUR HONOR.

15 THE COURT: OKAY. I DON'T WANT TO GET INTO THE
16 WEEDS OF THE DEPOSITION. IT SOUNDS AS IF THIS IS GOING TO
17 MOVE ALONG.

18 AND I'M GOING TO BE IN THE OFFICE ALL DAY. I AM
19 GOING TO EAT LUNCH AT SOME POINT TODAY, BUT OTHERWISE I'M IN
20 THE OFFICE ALL DAY. AND I SHUDDER TO DO THIS, BUT IF YOU DO
21 NEED ME, YOU CAN CALL THE OFFICE AND I'LL DO WHAT I CAN TO
22 RESOLVE THE PROBLEMS.

23 ALL RIGHT?

24 MS. HAYS: YES, YOUR HONOR.

25 THE COURT: OKAY. SO, CALL JAKE.

1 MS. GARNER: YOUR HONOR, THIS IS LISA GARNER,
2 COUNSEL FOR DEFENDANT ROBERT TAYLOR.

3 THE COURT: YES, MS. GARNER?

4 MS. GARNER: -- SOME OF THE QUESTIONS MS. HAYS WAS
5 TRYING TO REALLY HAVE A CONVERSATION WITH COMMANDER FRANK
6 RATHER THAN JUST SIMPLY ASKING QUESTIONS. AND, SO, I THINK
7 PART OF THE PROBLEM IS SHE'S TRYING TO EXPLAIN HER SIDE OF
8 THE STORY AND HER POSITION OR WHAT SHE'S THINKING AND THEN
9 TRYING TO ASK QUESTIONS. SHE JUST HAS TO ASK QUESTIONS.

10 THE COURT: I AGREE, MS. GARNER. AND HOPEFULLY
11 THAT -- AFTER MY ADMONITION AND YOUR COMMENTS, IT WILL GO
12 MORE ALONG THOSE LINES.

13 BY THE SAME TOKEN WE RECOGNIZE SHE'S PRO SE, AND WE
14 DO GIVE WIDE LATITUDE TO THE PRO SE LITIGANTS. THAT DOESN'T
15 MEAN YOU DON'T DO YOUR JOB, AND YOU DON'T OBJECT. AND I
16 UNDERSTAND THIS MAKES THE DEPOSITION LAST A LITTLE LONGER,
17 AND I AM SORRY FOR YOU AND YOUR CLIENT THAT YOU HAVE TO SPEND
18 MORE TIME IN THE DEPOSITION THAN YOU MIGHT OTHERWISE IF MS.
19 HAYS WAS REPRESENTED BY COUNSEL. BUT SHE IS GOING TO BE
20 ALLOWED TO GO FORWARD WITH THIS.

21 IF IT BECOMES ABUSIVE OR IT'S STRETCHING OUT TOO
22 LONG, AND YOU WANT TO CALL ME, I WILL DO WHAT I CAN TO HELP
23 MOVE IT ALONG.

24 MS. GARNER: THANK YOU, YOUR HONOR.

25 MS. GREENWOOD: THANK YOU, YOUR HONOR.

1 THE COURT: OKAY, FOLKS.

2 GOOD LUCK TO YOU. THANKS, COMMANDER. AND THANKS,

3 MS. HAYS.

4 MS. HAYS: OKAY.

5 THE COURT: ALL RIGHT. BYE-BYE.

6 (TELEPHONIC PROCEEDINGS CONCLUDED.)

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C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT
TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER TRANSCRIBED TO THE
BEST OF MY ABILITY.

/S/ DOROTHY BABYKIN

2/11/15

FEDERALLY CERTIFIED TRANSCRIBER
DOROTHY BABYKIN

DATED